

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA,) CASE NO: CR19000009-00
CITY OF MARTINSVILLE,)
PLAINTIFF(s),) NOTICE OF APPEAL (2)
)
 v.)
)
 BRIAN DAVID HILL,)
 DEFENDANT.)

NOTICE OF APPEAL (2)

Respectfully submitted with the Court,

This the 21st day of February, 2023.

Brian D. Hill
Signed

Brian D. Hill

Brian D. Hill
Defendant

Former news reporter of U.S.W.G.O. Alternative News
Ally of Q
310 Forest Street, Apartment 2
Martinsville, Virginia 24112
(276) 790-3505



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SUMMARY

Brian David Hill, criminal case Defendant, and Appellant, pro se, hereby appeals to the Court of Appeals of Virginia from the final judgment of this Court by final order entered February 14, 2023 (attached thereto), denying Brian Hill's Motion entitled: "MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS", filed on January 26, 2023.

There are no transcripts as there was no hearing over the denial of that motion. The Defendant's "MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS".

Defendant/Appellant is also preserving all issues for appeal from all of the foregoing motions which were denied.

**PRESERVATION OF ISSUES FOR APPEAL RAISED IN MOTIONS
AND PRESERVATION OF ISSUES OF JUDGE GREER'S ORDER AND
DOCUMENTATION OF IGNORING OF EVIDENCE, IGNORING OF**

**WITNESSES, ALLOWING CONTEMPT OF COURT MULTIPLE TIMES,
ALLOWING CRIMES TO BE COMMITTED, REFUSAL TO ALLOW THE
COMMONWEALTH ATTORNEY TO RESPOND**

However, Defendant made it clear that ignoring the evidence and ignoring the case law authorities was violating due process of law under the Fourteenth Amendment of the U.S. Constitution and the Constitution of Virginia, Article I., Section 8. Criminal prosecutions, and Section 11. Due process of law; obligation of contracts; taking or damaging of private property; prohibited discrimination; jury trial in civil cases. The judge filed his order denying it all quickly without even requesting a response from the Commonwealth's Attorney, without conducting any evidentiary hearing or inquiry hearing as to any of the issues, grounds, and elements which it raised.

1. Judge Greer has failed to address the issues of Attorney Scott Albrecht (Public Defender Assistant) who had represented the Defendant Brian David Hill had switched sides after losing Brian's case on purpose in the General District Court on December 21, 2018, Brian filed a pro se notice of appeal then Scott Albrecht was forced to file a notice of appeal too because Brian Hill wasn't going to put up with a lousy good for nothing traitor lawyer. This same lawyer allowed unlawful destruction of evidence by Martinsville Police Department as admitted by police chief Rob Fincher, allowed CONTEMPT OF COURT multiple times and

Obstruction of Justice by unlawful destruction of evidence. Then Scott Albrecht is rewarded by not only having Defendant owe attorney fees, he was hired as an “Assistant Commonwealth’s Attorney” working for Glen Andrew Hall, the very prosecutor who prosecuted the criminal case against the Defendant. That is a conflict of interest as was already brought in the Motion to Reconsider, brought up in Declaration of evidence that a Scott Albrecht is an Assistant Commonwealth’s Attorney providing evidence of a printout from the City of Martinsville staff directory, a GOVERNMENT WEBSITE, mentions Glen Andrew Hall’s name and Scott Albrecht working for the same Commonwealth’s Attorney as said in the Staff Directory. This is starting to prove that Scott Albrecht may have colluded with Glen Andrew Hall to commit a fraud upon the court. See Rules of Professional Conduct 1.3, 1.6 and 1.7; see also Holloway v. Arkansas, 435 U.S. 475 (1978); Dowell v. Commonwealth, 3 Va. App. 555 (1987). Judge Greer allowed a conflict of interest without ever conducting an inquiry or investigation even though it is the Judge’s duty to do so. A Judge has a DUTY to prevent any conflicts of interest involving attorneys in cases the judge presides over. He is allowing a conflict of interest in both the case and in the appeals (assuming if Glen Andrew Hall and his asst. Scott Albrecht has any influence over the Assistant Attorney General). Scott Albrecht betrayed Brian David Hill the criminal defendant in this case. This is not a normal situation or maybe this is how the Circuit Court has been operating for a long-time

taking advantage of the poor people and mentally handicapped who are forced to have a Public Defender who works for the Commonwealth's Attorney. This is rigged, the criminal case is rigged, the jury trial was going to be rigged, the Trial in General District Court was RIGGED, it is a rigged judicial process, a rigged judicial system in the City of Martinsville. When a court is rigged, there can never be any justice, it is impossible to obtain any justice out of a rigged court. It is a clear conflict of interest here and this Judge is refusing to investigate or conduct any inquiries into this conflict of interest.

2. This Judge also refused to conduct any inquiry or investigation into the fraud on the court. The record is now a fraud, the court has allowed fraud on its court. He is colluding with the fraud on the court. Defendant asserts that Judge Greer has proven in the record of the Trial Court that he is colluding with both Glen Andrew Hall and Scott Albrecht to wrongfully convict the Defendant using Judge Greer's buddies or friends. They all know each other and seem to want to protect and defend each other like some kind of gang or mafia. They stick up for their own even when their own break laws and rules. This is collusion and fraud accepted by the Judge of this Circuit court. FRAUD, COLLUSION, Unethical, Conflict of interest. This violates the principles set by both the U.S. Constitution and Virginia Constitution's separation of powers clause. We have a separation of powers clause in the Constitutions for a reason. A judge should not be buddies with anybody else,

or even if he/she was buddies with others that may get involved in the judicial system or case somehow, then ethics should strictly be enforced. This is unethical that Scott Albrecht was never inquired as to his relationship with Glen Andrew Hall, that Scott Albrecht allowed Glen Andrew Hall to help destroy police body-camera footage within the scope of three court orders in total. The body-camera footage was illegally destroyed on April 9, 2019 according to Police Chief Rob Fincher. Scott Albrecht knew Brian David Hill wanted this body-camera footage but refused to do anything to fight for it before it was destroyed, refused to fight to enforce any of the court orders not complied with. Ignoring a Court Order is CONTEMPT OF COURT. Refusing to comply with a Court Order is CONTEMPT OF COURT. Glen Andrew Hall should be charged with CONTEMPT OF COURT three different times if not two times, that is the law. Scott Albrecht colluded with Glen Andrew Hall because Glen Andrew Hall had hired Scott Albrecht and this court refused to conduct any inquiry into this even though it is this COURT'S DUTY.

3. This is clear collusion, this Judge is buddies with Glen Andrew Hall, it is clear that this judge has committed serious ethics violations to hold an innocent man hostage for a crime he is innocent of. Innocent man Brian David Hill is being held hostage and only Governor Youngkin or any future Governor of Virginia can fix this mess. This is serious corruption issues. The Court of Appeals of Virginia

(CAV) needs to strike down Judge Greer's orders. Judge Greer has acted in a manner inconsistent with due process of law. The Trial Court has acted in a manner inconsistent with due process of law, all along since the very beginning. Acted in an unethical manner and allowed a conflict of interest, is allowing one or more frauds to stand to keep an innocent man convicted and owing money to the Commonwealth of Virginia, owing a debt caused by such conflicts of interest and corruption and collusion and FRAUD.

4. Collusion, fraud, conflict of interest, depriving a criminal defendant of due process of law, both procedural due process of law and substantive due process of law. This is entirely become one or more abuses of discretion, and errors.

5. When Brian David Hill was sending letters to the Circuit Court from both Western Virginia Regional Jail (WVRJ) in December to January 2019 and Federal Correctional Institution 1 (FCI) in Butner, North Carolina from January 2019 on up, Judge Greer and Glen Andrew Hall worked together (colluded) to wanted to issue a writ of habeas corpus against the Defendant when the Deputy Master Clerk Jeanie Nunn knew that the Defendant was sending letters from a jail or prison at the time so she knew that Brian couldn't appear because he had no choice, HE WAS IN JAIL AND PRISON IN BUTNER NORTH CAROLINA A FEDERAL PRISON. Judge Greer and Glen Andrew Hall wanted a failure to appear against the Defendant in 2019 knowing that there was a federal detainer on him since November, 2018,

before the Trial in General District Court. Then this same judge is okay with unlawful destruction of evidence in response to the court orders regarding discovery in sheer non-compliance with two court orders and a third court order after the dirty deed of illegally destroying evidence was done; and is okay with federal obstruction of justice in violation of 18 U.S. Code § 1519. It is an illegal obstruction of justice, A FEDERAL CRIME, ILLEGAL, for Martinsville Police Department under Police Chief G. E. Cassady and Commonwealth's Attorney Glen Andrew Hall to have deleted the body-camera footage on April 9, 2019 in the Digital Video Management System (DVMS) after multiple court orders, not even marking the footage as "evidence" when it clearly was material evidence to Defendant's charge. THIS IS FRAUD, COLLUSION. Also, the Police Department had contacted U.S. Probation Officer Jason McMurray after Defendant gave him his Probation Officer's name, they had his information and then the U.S. Probation Office conducted an investigation after Defendant's arrest on September 21, 2018. The United States Probation Office is a federal office, they are considered a law enforcement agency even though they are an agency of the federal judiciary. They are within the scope of being protected by law from unlawful evidence destruction, then it becomes a federal crime after evidence is unlawfully destroyed.

6. See 18 U.S.C. § 1519 ("Whoever knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or

tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States or any case filed under title 11, or in relation to or contemplation of any such matter or case, shall be fined under this title, imprisoned not more than 20 years, or both. 18 U.S.C. § 1519 Added Pub. L. 107-204, title VIII, §802(a), July 30, 2002, 116 Stat. 800.”)

7. Glen Andrew Hall, Judge Giles Carter Greer, Officer Robert Jones, Scott Albrecht who was Asst. Public Defender and Asst. Commonwealth’s Attorney, and former Police Chief G. E. Eddie Cassady are all committing a federal crime of violating 18 U.S.C. § 1519. They all committed the crime by all taking part in the unlawful destruction of the police body-camera footage by the DVMS system, after being given plenty of warning by multiple letters to G. E. Cassady asking for the body-camera footage. The court orders, the policy of Martinsville Police Department, none of it was followed. It is ALL ILLEGAL. It is obstruction of justice with no excuse as to why they violated 18 U.S.C. § 1519. The U.S. Marshals need to arrest them all and try them for violation of 18 U.S.C. § 1519. Unlawful illegal destruction of evidence. They are allowing contempt of court by Glen Andrew Hall because he is a “COMMONWEALTH ATTORNEY”. So, this Court is sending a dangerous message that he can violate any law he so desires. He can destroy any evidence he so desires, any evidence he wants to destroy he can do so

with impunity and Judge Greer is his BUDDY, his FRIEND, he will protect his friend and buddy. This is collusion, unethical, criminal, criminal behavior, and is racketeering. They are all breaking laws and allowing laws to be broken by the lawyers, in sheer violation of the federal Racketeer Influenced and Corrupt Organizations Act. See Racketeer Influenced and Corrupt Organizations Act (RICO): Originally published: October 15, 1970; Public law: 91-452; Enacted by: the 91st United States Congress; Long title: An Act relating to the control of organized crime in the United States; Statutes at Large: 84 Stat. 922-3 aka 84 Stat. 941; Titles amended: 18 U.S.C.: Crimes and Criminal Procedure; U.S.C. sections created: 18 U.S.C. §§ 1961–1968.

This appeal is being filed in good faith as it doesn't make sense for a Court to punish a criminal Defendant who has disproven multiple elements of the charged crime and not punish Glen Andrew Hall for refusing to comply with court orders and illegally destroying evidence. This is fraud, this is collusion. This is corruption. This is racketeering to demand any legal fees from the Defendant at this stage with all of the evidence on the record here. This is criminal racketeering and holding a man hostage who shouldn't be. He is innocent. **Brian David Hill = Innocence.**

No guilty plea was entered as the only plea this may resemble was an Alford Plea which is not a guilty plea when evidence surfaces at a later time on disproving

the elements of the charge, Judge Greer knows that. None of this is right, none of this is moral. This is a complete miscarriage of justice and is collusion, fraud, and corruption without a doubt against an innocent man. I am being held hostage by these people, they are holding me hostage to my federal supervised release violation and causing my sentence to being extended. This is NOT MORAL; this is not the way criminal defendants should be treated in any court of law. Due process of law, DUE PROCESS OF LAW, DUE PROCESS OF LAW, DUE PROCESS OF LAW, GIVE ME LIBERTY OR GIVE ME DEATH!!!

Give me Liberty or Give Me Death. – As Patrick Henry said in Richmond, Virginia at Saint John’s Church. The answer to George Orwell’s 1984 is 1776. The answer to 1984 is 1776.

Respectfully submitted with the Court, This the 21st day of February, 2023.

Brian D. Hill
Signed

Brian D. Hill

Brian D. Hill
Defendant

Former news reporter of U.S.W.G.O. Alternative News
Ally of Q
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(276) 790-3505



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CERTIFICATE OF SERVICE, CERTIFICATE OF FILING

I hereby certify that a true and accurate copy of the foregoing NOTICE OF APPEAL was faxed or emailed/transmitted by my Assistant Roberta Hill at rbhill67@comcast.net (due to Probation Conditions of not being allowed to use the Internet) or delivered this 21st day of February, 2022, to the following parties:

The undersigned certifies as follows:

1. The name and address of the Appellant is:

Brian David Hill – Ally of Q and Attorney Lin Wood
Family/Friend site: JusticeForUSWGO.wordpress.com or JusticeForUSWGO.NL
310 Forest Street, Apartment 2
Martinsville, Virginia 24112

2. Appellant is not represented by counsel at this time.

3. The names of Appellees is:

Commonwealth of Virginia
City of Martinsville

4. The name, address, and telephone number of counsel for appellees' is:

G. Andrew Hall
Martinsville Commonwealth's Attorney
55 W. Church Street
Martinsville, VA 24112
(276) 403-5470

5. A copy of this Notice of Appeal has been electronically transmitted by Roberta Hill (electronic filing representative) via email to the Martinsville Circuit Court Clerk's

Office, to opposing counsel, and electronically filed by Roberta Hill (electronic filing representative) through the Court's VACES system to the Clerk of the Court of Appeals of Virginia, all on February 21, 2023.

The following parties with fax numbers and email addresses of the parties are listed herein:

Glen Andrew Hall, Esq. Commonwealth Attorney's Office for the City of Martinsville 55 West Church Street P.O. Box 1311 Martinsville, Virginia 24114/24112 Attorney for the Commonwealth Phone: (276) 403-5470 Fax: (276) 403-5478 Email: ahall@ci.martinsville.va.us	Hon. Ashby R. Pritchett, Clerk of the Court Circuit Court for the City of Martinsville Phone: 276-403-5106 Fax: 276-403-5232 55 West Church Street, Room 205 P.O. Box 1206 Martinsville, VA 24114 Email: aprritchett@vacourts.gov
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The reason why Brian David Hill must use such a representative to serve such pleading with the Clerk on his behalf is because Brian is currently still under the conditions of Supervised Release for the U.S. District Court barring internet usage without permission. Brian's Probation Officer is aware of Roberta Hill using her email for conducting court business concerning Brian Hill or court business with the Probation Office in regards to Brian David Hill. Therefore Roberta Hill is filing the pleading on Brian's behalf for official court business. Brian has authorized her to file the pleading. All exhibits or any exhibits with anything printed from any internet based service was printed and researched by Roberta Hill.

That should satisfy the Certificate of Service regarding letters/pleadings. If the Court wishes to contact the filer over any issues or concerns, please feel free to contact the filer Brian David Hill directly by telephone or by mailing. They can also contact c/o Roberta Hill at rbill67@comcast.net and request that she forward the message and any documents or attachments to Brian David Hill to view offline for his review.



Brian D. Hill
Defendant
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VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA

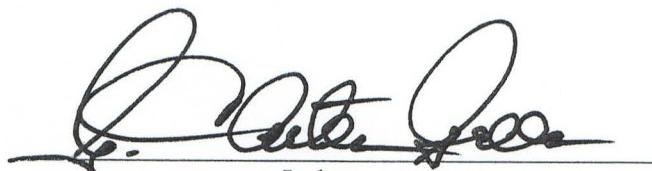
v.

ORDER
Case No. CR19000009-00

BRIAN DAVID HILL

UPON CONSIDERATION of the defendant's Motion for Set Aside or Relieve Defendant of Judgment of Conviction of Criminal Charge, it is ORDERED that said motion is hereby DENIED.

ENTER: This 14th day of February, 2023.



Judge

Endorsement is dispensed with – Rule 1:13

TWENTY-FIRST
JUDICIAL CIRCUIT
OF VIRGINIA


By: _____, Deputy Clerk